

REMARKS

Claims 1, 3-14, 16-29 are now pending. The numbered paragraphs below correspond to the Examiner's numbered paragraphs:

1. Claim 14 has been amended to cure the objection for the informality. Applicants respectfully request removal of the objection.

2./3. Claims 9 and 23 have been rejected under 35 U.S.C. § 112, second paragraph. The dependency of both claims has been amended to cure the rejection. Removal of the rejection is respectfully requested.

4./5. Claims 1-7 and 9-14 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Sakai et al. (US 2003/0050362). Sakai discloses a colorant, substantially pigment, but not a dye or more specifically an oil-soluble dye. Applicants would like to direct the Examiner's attention to the: Abstract; [0004]-[0007] (related art); [0008]-[0010] (summary); [0014]-[0015] (object of the invention); as well as paragraphs [0017]-[0019]. The Examiner will find a single reference to the word "dyes" at paragraph [0071] without any teaching of its relevance. There are no dye examples. Regardless, the reference fails to teach "the colorant is an oil-soluble dye," as recited by claim 1. In sum, the reference is limited only to "pigments." Accordingly, claim 1 is patentably allowable over the reference. Claim 2 has been canceled. Claims 3-7 and 9-11 depend from claim 1 and are allowable for at least the same reason. Claims 12, 13 and 14 include claim 1 and are allowable for at least the same reason. Withdrawal of the rejection is respectfully requested.

6. Claims 1-25 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Ninomiya et al. (U.S. 2003/0199613). Attached herewith is a certified translation of the original Japanese application from which this application claims priority. A declaration accompanies this filing as well. Accordingly, the priority date of the present application is September 27, 2002, which is earlier than the US filing date of Ninomiya (April 17, 2003). Support for the claims in the priority application is as follows: Claim 1: Claim 1 and [0068]; Claim 3 : [0087]-[0093]; Claim 4: Claim 3 and [0038]; Claim 5: Claim 4 and [0040]-[0043]; Claim 6: Claim 5 and [0044]-[0046]; Claim 7: Claim 6 and

[0048]-[0049]; Claim 8: Claim 7 and [0051]-[0052]; Claim 9: Claim 8 and [0054]; Claim 10: Claim 9 and [0055]; Claim 11: Claim 10; Claim 12: Claim 11; Claim 13: Claim 12 and [0102]; Claim 14: Claim 14; Claim 16: [0068]; Claim 17: [0087]-[0093]; Claim 18: Claim 3 and [0038]; Claim 19: Claim 4 and [0040]-[0043]; Claim 20: Claim 5 and [0044]-[0046]; Claim 21: Claim 6 and [0048]-[0049]; Claim 22: Claim 7 and [0051]-[0052]; Claim 23: Claim 8 and [0054]; Claim 24: Claim 9 and [0055]; Claim 25: Claim 10; Claim 26: Claim 8 and [0054]; Claim 27: Claim 8 and [0054]; Claim 28: Claim 1; Claim 29: Claim 1 and [0082].

Accordingly, Ninomiya is no longer applicable as a reference under 35 U.S.C. § 102(e). Removal of the rejection is respectfully requested.

7. Claims 1, 3-7, 9-15, 7-21, and 23-25 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Kuribayashi et al. (U.S. 2004/0009294). As with Ninomiya, Kuribayashi, having a filing date of May 20, 2003, is no longer applicable as a reference under 35 U.S.C. § 102(e). Removal of the rejection is respectfully requested.

8./9./10. Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of Nakamura et al. (U.S. 2003/0195274). As indicated above, claim 1 is patentably allowable over Sakai. Nakamura does not cure the deficiencies of Sakai with respect to claim 1. Accordingly, claim 1 is allowable over the combination of the references. Claim 8 depends from claim 1 and is allowable for at least the same reason. Removal of the rejection is respectfully requested.

11. Claims 8 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuribayashi in view of Nakamura. As indicated in paragraph 7, Kuribayashi is an inapplicable reference. Removal of the rejection is respectfully requested.

Should the Examiner have any questions or concerns, the Examiner is invited to call the undersigned attorney of record.

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Respectfully submitted,


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